

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JANET HARVEY and JOSEPH HARVEY,

Plaintiffs,

v.

PERMANENT MISSION OF THE
REPUBLIC OF SIERRA LEONE TO THE
UNITED NATIONS, EMPIRE GROUP
NYC, LLC, DAVID I. MONTESI,
FAIRFIELD CONSTRUCTION
ASSOCIATES, LLC, and JULES DAVIS,

Defendants.

Case No.: 1:21-CV-04368-ER

**NOTICE OF MOTION FOR (1) CONTEMPT
UNDER S.D.N.Y. LOCAL CIVIL RULE 83.6
AND (2) PRELIMINARY INJUNCTION
UNDER FED. R. CIV. P. 65(a)**

PLEASE TAKE NOTICE, that upon Memorandum of Law in Support of Plaintiffs' Janet Harvey and Joseph Harvey (together, "Plaintiffs") Motion for (1) Contempt and Sanctions against Empire Group NYC, LLC ("Empire") and David I. Montesi ("Montesi," and, together with Empire, "Empire Defendants"), and (2) a Preliminary Injunction against the Empire Defendants, Fairfield Construction Associates, LLC ("Fairfield"), Jules Davis ("Davis," and, together with Fairfield, "Fairfield Defendants"), and the Permanent Mission for the Republic of Sierra Leone to the United Nations ("Mission," and, together with the Empire Defendants and Fairfield Defendants, "Defendants"), dated December 14, 2021, and all attached exhibits, and upon all the papers and proceedings had, Plaintiffs will move this Court at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York New York, 10007 on a date and at a time the Court designates, for an Order (1) under the Court's Local Civil Rule 83.6 granting Plaintiffs' motion for contempt against the Empire Defendants; and (2) under Federal Rule of Civil Procedure 65(a) granting Plaintiffs' request for a preliminary injunction against all Defendants on grounds including: (1) Plaintiffs' likelihood of success on their four causes of

action; (2) Plaintiffs' irreparable harm that they will suffer absent an injunction—the inability to use, enjoy, and safely reside in their family home; (3) the balance of equities in Plaintiffs' favor; and (4) the public interest in safeguarding private property and ensuring public safety.

PLEASE TAKE FURTHER NOTICE that under the Court's Local Civil Rule 6.1(b), opposition papers for Defendants must be filed within fourteen days of service of the moving papers.

Dated: December 14, 2021

/s/ Rachel Maimin

Rachel Maimin

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